



Order Filed on June 29, 2022
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-2(c)

MINION & SHERMAN

By: Scott D. Sherman, Esquire
33 Clinton Road, Suite 105
West Caldwell, New Jersey 07006
(973) 882-2424

**STEVEN LINFANTE
VICTORIA LINFANTE,**

Debtors

Case No.: 17-31360 JKS

Chapter 13

Hearing Date: June 28, 2022

Judge: JOHN K. SHERWOOD

Recommended Local Form has been followed.

ORDER AUTHORIZING SALE OF REAL PROPERTY

The relief set forth on the following pages, numbered two (2) through four (4), is hereby **ORDERED**.

DATED: June 29, 2022

A handwritten signature in dark ink, appearing to read "J K Sherwood", is written over a horizontal line.

Honorable John K. Sherwood
United States Bankruptcy Court

(Page 2)

Debtor: STEVEN LINFANTE AND VICTORIA LINFANTE

Case No: 17-31360 JKS

Caption of Order: **ORDER AUTHORIZING SALE OF REAL PROPERTY**

After review of the Debtor's motion for authorization to sell the real property commonly known as 2 Birchtree Dr. Fairfield, NJ 07004 ("the Real Property").

IT IS hereby ORDERED as follows:

1. The Debtor is authorized to sell the Real Property on the terms and conditions of the contract of sale pursuant to 11 U.S.C. §§ 363(b) and 1303.

2. The proceeds of sale must be used to satisfy the liens on the real property unless the liens are otherwise avoided by court order. Until such satisfaction the real property is not free and clear of liens.

3. X In accordance with D.N.J. LBR 6004-5, the Notice of Proposed Private Sale included a request to pay the real estate broker and/or debtor's real estate attorney at closing. Therefore the following professional(s) may be paid at closing.

Name of professional: Scott D. Sherman, Esq.

Amount to be paid: \$1,750.00.00 for representation of Debtors in real estate transaction

& \$1,000.00 for representation of Debtors in this motion

& \$ 200.00 for representation of Debtors in an Application for
Retention of Broker

Services rendered: Representation of Debtors in real estate transaction and
representation of Debtors in the Motion for Approval of Sale.

(Page 3)

Debtor: STEVEN LINFANTE AND VICTORIA LINFANTE

Case No: 17-31360 JKS

Caption of Order: **ORDER AUTHORIZING SALE OF REAL PROPERTY**

Name of professional: Vito Contuzzi.

Amount to be paid: 3.99% of Gross Sales Price

Services rendered: Real Estate Broker.

OR: ☐ Sufficient funds may be held in escrow by the Debtor's attorney to pay real estate broker's commissions and attorney's fees for the Debtor's attorneys on further order of this court.

4. Other closing fees payable by the Debtor may be satisfied from the proceeds of sale and adjustments to the price as provided for in the contract of sale may be made at closing.

5. The amount of n/a claimed as exempt may be paid to the Debtor.

6. The ☐ balance of proceeds or the X balance due on the debtor's Chapter 13 Plan must be paid to the Chapter 13 Trustee in the Debtor's case.

7. A copy of the HUD settlement statement must be forwarded to the Chapter 13 Trustee 7 days after closing.

8. ☐ The debtor must file a modified Chapter 13 Plan not later than 21 days after the date of this order.

9. Other provisions:

(Page 4)

Debtor: STEVEN LINFANTE AND VICTORIA LINFANTE

Case No: 17-31360 JKS

Caption of Order: **ORDER AUTHORIZING SALE OF REAL PROPERTY**

a. The Debtor shall pay US Bank, N.A. in full at closing pursuant to a Payoff statement issued in the normal course. Until such payment in full is received, the real property is not free and clear of the lien of US Bank.

b. The net proceeds, after payment of liens, payoff of Chapter 13 plan, payment of closing costs and counsel fees as set forth in this order, shall be paid to the Debtor at closing.

c. The provisions of Bankruptcy Rule of Procedure 6004(h) be and are hereby waived.

d. The closing must occur within 90 days from the entry of this order.